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OFFICE OF PETITIONS

In re Application of :
Wu, et al. :
Application No. 09/633,828 : **DECISION ON PETITION**
Filed: August 7, 2000 :
Attorney Docket No. JCLA6306 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed September 13, 2004.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to timely file a proper response to the non-final Office action mailed December 30, 2003. This Office action set a shortened statutory period for reply of three (3) months. The Office mailed a Notice of Abandonment on September 4, 2004.

On petition, applicant asserts that he timely filed an Amendment, on March 16, 2004. In support thereof, applicant has included *prima facie* evidence of its timely filing by submitting a copy of an Auto Reply Facsimile Transmission Receipt. See MPEP 503.

In view thereof, the holding of abandonment is withdrawn.

The Notice of Abandonment is hereby **VACATED**.

The matter is being forwarded to Group Art Unit 2664 for consideration of the Amendment, filed on March 16, 2004 (copy re-supplied with the instant petition).

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

A handwritten signature in cursive script, appearing to read "Cliff Congo".

Cliff Congo
Petitions Attorney
Office of Petitions